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PART-I

Notifications, Orders and Declarations by Haryana Government

HARYANA GOVERNMENT

FINANCE DEPARTMENT

Notification

The 19th May, 2023

No. 14/28/2023-6F.A.—The matter regarding amendment in policy guidelines for procurement of Stores & Goods and Turnkey Contracts-negotiation issued vide Govt. Order dated 2/2/2010-4-IB-II dated 18.06.2013, Govt. Order No. 2/2/2010-4-IB-II dated 16.06.2014 and Govt. Order No. 2/1/2021-4IB-II dated 02.02.2021 specific to Haryana Power Utilities was under consideration of the State Government. The matter has been considered by the State Government and the following amendments/substitutions applicable only to Haryana Power Utilities are made in various Policy/Guidelines as mentioned above as per details given below:-

1. **The provisions under Para 4 (iv) of the Government Order dated 2/2/2010-4-IB-II dated 18.06.2013 is amended/substituted as under:-**

Para No. in the policy	Existing Provisions	Provision approved to amend/substitute the Existing Provision
4(iv) of Govt. Order dated 2/2/2010-4-IB-II dated 18.06.2013	The price discovery for the Rate Contract shall be generally determined based on the rates quoted by the L1 bidder and the negotiations, if any, held with the lowest bidder. However, the rate contract negotiations could be held up to L3 bidder, if the difference between the L1 quoted rates and those quoted by the L2 and L3 is within 5% of the L1 quoted rates. In cases where the L1 bidder refuses to further reduce his offered price and the L2 or L3 bidders come forward to offer a price which is better than the price offered by L1 bidder, the bidder whose price is accepted becomes the L1 bidder. However, in such a situation, the original L1 bidder shall be given one more opportunity to match the discovered price. In case of acceptance, he would be treated as the L1 bidder.	“The price discovery for the Rate Contract shall be generally determined based on the rates quoted by the L1 bidder and the negotiations, if any, held with the lowest bidder. However, the rate contract negotiations could be held up to L3 bidder, if the difference between the L1 quoted rates and those quoted by the L2 and L3 is within 5% of the L1 quoted rates. In cases where the L1 bidder refuses to further reduce his offered price and the L2 and L3 come forward to offer a price which is better than the price offered by L1 bidder, the bidder whose price is accepted becomes the L1 bidder. However, in such a situation, the original L1 bidder shall be given one more opportunity to match the discovered price. In case of acceptance, he would be treated as the L1 bidder. Provided that in case there are no any L2 and L3 bidders within 5% of L1 quoted rates, then L2 bidder should invariably also be called for negotiation. Provided that the Administrative Secretary of the concerned Indenting Department with the approval of Minister In-Charge can recommend to the Director & Supplies and Disposals for negotiation with L3 bidders by giving relaxation in the existing Negotiation Policy. The DGS&D will accordingly place the agenda before HPPC or any other competent authority with the justification provided by the Administrative Secretary with the approval of Minister In-Charge for deviating from the standard principle of negotiation with L2 and L3 bidder within 5% of the L-1 quoted rate by giving relaxation in the existing Negotiation Policy.”

2. The provisions under Para 3 (i) of Government Order No. 2/2/2010-4-IB-II dated 16.06.2014 is amended/substituted as under:-

Para No. in the policy	Existing Provisions	Provision approved to amend/ substitute the Existing Provision
3(i) of Govt. Order No. 2/2/2010-4-IB-II dated 16.06.2014	<p>“The price discovery for cases relating to purchase of specific quantity of Stores, Goods and award of Turnkey Contracts shall be generally determined based on the rates quoted by the L1 bidder if the quoted rates are found to be reasonable by the Indenting Department, and negotiations, if any, held with lowest bidder. However, the negotiations could be held up to L3 bidder, if the difference between L1 quoted rate and those quoted by L2 & L3 is within 5% of the L1 quoted rate. In cases where the L1 bidder refuses to further reduce his offered price and the L2 or L3 bidders come forward to offer a price which is better than the price offered by L1 bidder, the bidder whose price is accepted becomes the L1 bidder. However, in such a situation, the original L1 bidder may be given one more opportunity to improve upon the discovered price. In case, the original L1 bidder further improves upon the price discovered during the negotiations, he would be treated as the L1 bidder.</p>	<p>“The price discovery for cases relating to purchase of specific quantity of Stores, Goods and award of Turnkey contracts shall be generally determined based on the rates quoted by the L1 bidder if the quoted rates are found to be reasonable by the Indenting Department, and negotiations, if any, held with lowest bidder. However, the negotiations could be held upto L3 bidder, if the difference between L1 quoted rate and those quoted by L2 & L3 is within 5% of the L1 quoted rate. In cases where the L1 bidder refuses to further reduce his offered price and the L2 or L3 bidders come forward to offer a price which is better than the price offered by L1 bidder, the bidder whose price is accepted becomes the L1 bidder. However, in such a situation, the original L1 bidder may be given one more opportunity to improve upon the discovered price.</p> <p>In case, the original L1 bidder further improves upon the price discovered during the negotiations, he would be treated as the L1 bidder.</p> <p>Provided that in case there are no any L2 and L3 bidders within 5% of L1 quoted rates, then L2 bidder should invariably also be called for negotiation.</p> <p>Provided that the Administrative Secretary of the concerned Indenting Department with the approval of Minister In-Charge can recommend to the Director & Supplies and Disposals for negotiation with L3 bidder by giving relaxation in the existing Negotiation Policy.</p> <p>The DGS&D will accordingly place the agenda before HPPC or any other competent authority with the justification provided by the Administrative Secretary with the approval of Minister In-Charge for deviating from the standard principle of negotiation with L2 and L3 bidder within 5% of the L-1 quoted rate by giving relaxation in the existing Negotiation Policy.”</p>

3. The provisions under Para 3-A(iii) of Govt. Order No. 2/1/2021-4IB-II dated 02.02.2021 – is amended/ substituted as under:-

Para No. in the policy	Competent Authority	Existing Provisions	Provision approved to amend/ substitute the Existing Provision
3-A (iii) of Govt. Order No.2/1/2021-4IB-II dated 02.02.2021	Power Utility at their own level	a. Purchase cases valuing up to Rs. 10 crores. b. Turnkey Projects valuing up to Rs. 50 crores	a. Purchase cases for all items/ goods/ stores having estimated value up to Rs. 5 crores as per approved Annual procurement plan to be processed through GeM Portal on the basis of its Standardised Specifications and Qualifying Criteria. For purchases, if any, not available on GeM, relevant Purchase Rules of the State applicable to Power Utilities shall apply. b. For all items/ goods/ stores having estimated value above Rs. 5 crore but up to Rs. 10 Crores as per approved Annual Procurement Plan. <i>Note: A statement of items so procured and the item rate at which the procurement has been done shall be submitted to Power Minister and CM on file for information.</i> c. Turnkey Projects valuing up to Rs. 30 Crores.
	High Powered Purchase Committee	a. Purchase cases valuing above Rs. 10 Crores. b. Turnkey Projects valuing above Rs. 50 crores.	a. Purchase cases valuing above Rs. 10 Crores. b. Turnkey Projects valuing above Rs. 30 crores.

The above mentioned amendments will be effective with immediate effect.

The above instructions may be brought to the notice to all concerned for compliance.

ANURAG RASTOGI,
Additional Chief Secretary to Government Haryana,
Finance Department.